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ILLINOIS COMMERCE COMMISSION
STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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ILLINOIS
COMMERCE COMMISSION

2005 FEB 18 P 1:07

CHIEF CLERK'S OFFICE

E. Jerome Malry)
-vs-) 04-0578
Peoples Gas Light and Coke Company)
Complaint as to improper accounting of)
Services request for an audit and)
Investigation for service at 4344 North)
Claredon Avenue, Chicago, Illinois)

**COMPLAINANT'S LIST OF EXCEPTIONS
TO THE PROPOSED ORDER OF FEBRUARY 1, 2005**

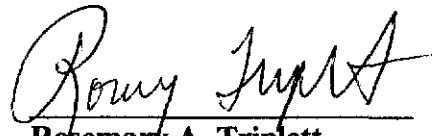
Now comes the Complainant, by and through counsel undersigned, and list the following exceptions to the Administrative Law Judge's proposed order of February 1, 2005, in accordance with section 200.830 of the Rules of Practice before the Illinois Commerce Commission.

1. Complainant takes exception to paragraph number 1 of the Administrative Judge's proposed order. Specifically, the portion that says, "On September 13, 2004, E. Jerome Malry (Complainant") filed two verified Complaints with the Illinois Commerce Commission (Commission") against Peoples Energy Corporation (Respondent") regarding services and billing issues at separate locations in Chicago, Illinois. The Complainant, in essence filed four (4) complaints see attached letter dated August 14, 2004 from the Commission, three were alleged received.
2. Complainant takes exception to paragraph number 2 of the Administrative Judge's proposed order, Specifically, the portion that says, "Respondent timely moved to dismiss the instant Complaint, stating, inter alia, that Peoples Energy Corporation "is a holding company that is not responsible for issuing customer bills or providing gas service" and therefore is not a public utility. Respondent answered the complain, see attached Answer. In the Answer the Respondent answered, in all due respect as the complaint purported.
3. Complainant takes particular exception to paragraph 3 as it is bias and does not take into consideration Respondent own acts in answering the complaint, thereby, making its motion to dismiss a back peddling attempt to file a motion to dismiss without merit.

4. **Complainant takes exception to paragraph 4, in so much as the Administrative Judge as a cover to this proposed order, uses the heading E. Jerome Malry vs Peoples Gas Light and Coke Company. (see attached). Thus, the ICC, the Administrative Law Judge, and the Respondent knew from the start that Peoples Gas Light and Coke Company were the intended Respondent.**
5. **Complainant takes exception to paragraph 5, It is obvious that the correct party responded to the pleading and is attempting to not get to the substance of the complaint of E. Jerome Malry, yet continue to stall. The mentioned of 13 Complaints with this Commission during the four year, does not mention the fact that several of those complaints were dismissed without fact finding, dismissed on procedural matters, and that one complaint with a hearing two years ago has not had a final order entered and Complainant had to file a motion in Circuit Court to mandate this Commission to render a decision.**

The Complainant hereby request the Administrative Law Judge review his decision to dismiss complainant's case in light of the above mentioned/

Respectfully submitted



Rosemary A. Triplett

Attorney for E. Jerome Malry, Complainant

**Rosemary A. Triplett
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Chicago, Illinois 60623
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**Dated this 15th of February 2005
At Chicago, Illinois**

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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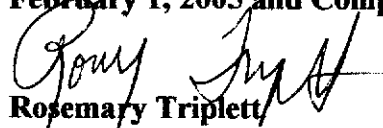
Notice of Filing

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4346 N. Clarendon Ave.
Chicago, Illinois 60613-1576**

**Katherine A. Donofrio
Senior Vice President
Peoples Gas Light and Coke Company
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Chicago, IL 60601**

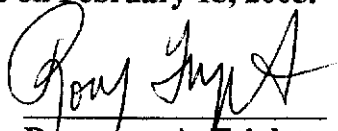
**Erin J. Ziaja & Greta Weathersby
Attys. For Peoples Gas Light and Coke Company
McGuire Woods LLP
77 West Wacker Drive. Ste 4100
Chicago, IL 60601-1661**

**Please take Notice that on February 15, 2005 I filed with the Clerk of the Illinois
Commerce Commission, Complainant's exceptions to the Proposed Order entered
February 1, 2005 and Complainant's Argument.**


**Rosemary Triplett
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Chicago, Illinois 60623
(773) 521-3115**

CERTIFICATE OF SERVICE

I, Rosemary A. Triplett, an attorney, certify that I caused a copy of the Complainant's Exception to the Proposed order of February 1, 2005 and Complainant's Argument to be served on the parties of record by placing a copy in the United States Mail, first class postage on February 15, 2005.



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